

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SADIS & GOLDBERG, LLP,

Plaintiff,

- against -

SUMANTA BANERJEE,

Defendant.

Case No. 14-cv-00913(LTS)(OTW)

JOINT STIPULATION OF FACTS

The parties submit the following stipulated facts in connection with upcoming hearing to determine Defendant's domicile in February of 2014.

1. Defendant Sumanta Banerjee ("Banerjee") is an American citizen.
2. Banerjee has an Overseas Citizen of India ("OCI") card which was issued in 2007.
3. Prior to January 1, 2009, Banerjee and his family were domiciled in the state of Connecticut—owning a home in Weston.
4. At some point in 2009, Banerjee, his wife, and his children moved to India because his father was ill and he wanted to spend time with his father and needed to manage the family's assets in India.
5. From some point in 2009 to May, 2011, Banerjee, his wife, and his children lived in Kolkata, India, Gurgaon (temporary housing), and New Delhi, India.
6. Banerjee opened a bank account in India in 2009 and obtained Indian credit card and debit cards for his and his wife's use.

7. Banerjee purchased a life insurance policy in India.
8. Banerjee's wife worked in Kolkata as an employee of an Indian company from 2009 to 2010.
9. Banerjee's children attended school in India from 2009–2011.
10. Throughout this time period 2009–mid-2012, Banerjee, or entities he and his wife controlled, continued to own their Weston house. Banerjee and his wife transferred ownership of the house to ZBAC LLC, an entity they owned. Banerjee's family returned to Connecticut and stayed in the Weston house during school vacations between 2009 and 2011.
11. Banerjee's father passed away in early 2010.
12. In May of 2011, Banerjee's wife and children moved back to Connecticut. The Banerjee children attended the public school in Weston, CT
13. Banerjee split his time between India and Connecticut in the year between June 2011 and, at least, June of 2012.
14. In June and September of 2012, Banerjee and his wife signed [REDACTED]
[REDACTED]
[REDACTED]
15. Banerjee's wife and children moved to Pittsburgh, PA in September of 2012 and lived in Mrs. Banerjee's parents' house at 304 Harvester Circle, Pittsburgh, PA 15241.
16. Since 2016, Banerjee has been domiciled—together with his wife, and his children—in Pittsburgh, PA. Their current home address is 1514 Cook School Rd, Pittsburgh PA 15241. The house is jointly owned by Mrs. Banerjee and her father [REDACTED]
[REDACTED]
17. From 2010 through the present Banerjee has worked for his family's Indian trust.

18. The family trust currently owns and operates properties in India. In 2013 and 2014, Banerjee scouted properties for the family trust to purchase in Canada and the United States but ultimately none were purchased.

19. Banerjee held a Connecticut driver's license from 1997 through, at least, 2016.

20. Banerjee also held an Indian driver's license from 2010 through 2016.

21. In July of 2013, Banerjee formed a Delaware entity, Crossway Yield Partners to potentially invest for the family trust. The entity was cancelled in April 2014.

FACTUAL ISSUES IN DISPUTE

The following factual issues are in dispute between the parties.

1. Banerjee's domicile between January 2009 and August 2012. Plaintiff maintains that Banerjee's domicile remained in Connecticut during this time period. Defendant maintains that his domicile changed to India in January 2009 when he and his family moved to India and his family remained in India until May 2011.

2. Banerjee's domicile in 2013–2015. Plaintiff maintains that Banerjee was domiciled in Pittsburgh, Pennsylvania during those years. Defendant maintains that his domicile was in India during those years due to his separation from his wife in 2012 and he had no residence in the US from 2012-2016 when he reconciled with his wife and that he had a signed lease to his own apartment at 58/1 Ballygunje Circular Road, Kolkata in June 2011.

3. Banerjee's ownership of assets in the United States during the years 2009–2015. Plaintiff maintains that Banerjee held an interest in multiple U.S. entities, had U.S.-based investment accounts, had an interest in, at least, one U.S. property, and earned income in the U.S. from those assets. Mr. Banerjee maintains that he had none of those assets since they were transferred to his wife as part of the separation agreement and subsequent addendum (dated

September 20, 2012) to the separation agreement and he did not earn any income in the U.S. during those years.

Jointly submitted,

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